IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTY FIRST DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 26386 of 1995

Between:

Tamilnadu Fisheries Development Corporation ltd. rep.by its Senior Manager (marine)_
Visakhapatnam.

..... PETITIONER

AND

Agriculture market committee Visakhapatnam rep. by its Secretary
Surya Bagh, Visakhapatnam.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ of certiorari or any other appropriate writ, order or direction calling for the records relating to the demand notice no.298/A/SR/95 dt. 2/11/95 issued by the respondent and quash the same and pass such other order or orders as may be deemed fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.T.S.ANAND

Counsel for the Respondent No.: MR.K.MADHAVA REDDY

The Court made the following :

ORAL ORDER:

This writ petition is filed questioning the demand notice dated 2-11-1995 issued under Section 12(1) of the Andhra Pradesh (Agricultural Produce & Livestock) Markets Act, 1966 (hereinafter referred to as 'the Act').

It is the case of the petitioner that though it has furnished the particulars of the purchasers and also their addresses, without issuing any prior notice, the impugned demand notice is issued.

In the counter affidavit filed on behalf of the respondents, it is stated that the addresses of most of the purchasers could not be identified.

Under Section 12(2) of the Act, primarily the respondent has to demand the market fee from the purchaser, but in case the purchaser's identity cannot be traced out, it can collect the same from the seller. A reading of the impugned demand notice does not indicate issuance of any prior notice, before the demand notice is issued, for giving the details of the purchasers, whose addresses could not be identified.

A reading of the impugned demand notice and the counter does not indicate issuance of any prior notice to the petitioner to furnish the particulars of the purchasers, whose addresses could not be identified to collect the market fee.

In the circumstances, the impugned notice is set aside. However, it is open for the respondent to issue notice to the petitioner for furnishing the details and addresses of the purchasers for the purpose of levying market fee and to collect the same from such persons and pass appropriate orders in accordance with law.

The writ petition is allowed to the extent indicated above.

31-1-2005

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To:

That Rule Nisi has been made absolute as indicated above

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this Monday the Thirty First day of January, Two Thousand and Five.

To

1. The Secretary, Agriculture market committee Visakhapatnam
Surya Bagh, Visakhapatnam.

2. Two C.D. copies